

REMARKS

The Final rejection mailed September 10, 2008, and the prior art relied upon therein have been carefully reviewed. Another RCE is filed herewith, and the claims in the present application are therefore now claim 1, 3, 4 and 6-17. The applicant again respectfully submits that the claims define patentable subject matter warranting their allowance. Favorable reconsideration and allowance are earnestly solicited.

Amended claim 1 is a combination of previously presented claims 1 and 2. Accordingly, claim 2 has been cancelled.

Claim 14 has been amended by combining the features of previously presented claims 1, 11 and 14.

Claim 15 has been amended based on e.g. the description at page 6, lines 20-26, by the addition of the feature wherein the bottom edge (16) of the flexible door (1) has an elastic bead extending across its entire width, which is clamped between the wall (4) and the second door (2) when the flexible door (1) is in its open position and the second door (2) is in its closed position.

Claims 1-4, 6-9, 11, 12, 14-23 and 25 have again been rejected as obvious under Section 103 from Ruffner in view of Stroup for the reasons of record, respectfully repeated by reference, and for the additional reasons set forth below.

As noted above, claim 1 now corresponds to claim 2 rewritten in independent form, reciting that when the second door is in the open position and the flexible door is closed, the flexible door is in contact with the wall above the bay to form a seal between the wall and the flexible door, and the flexible door is supported against the bottom edge of the second door.

None of the documents, either alone or in combination, disclose or teach that, when the second door (2) is in the open position and the flexible door (1) is in its closed position, a contact and/or seal is formed between the flexible door (1) and the wall (4) above the bay (3), and also the flexible door (1) is supported against the bottom edge (17) of the second door (2) in order to maintain the contact and seal.

Ruffner discloses a set of doors including a first flexible door and a second door. Ruffner discloses seals between the forward surface of the door and the inner surface of the wall of the bay, see e.g. column 3 at lines 10 to 20: the stops 16 at the sides, which form seals for the forward

surface of the second door and the trim strips 21 on the horizontal header 20 at the top of the bay. Ruffner does not disclose that the flexible door is supported against the bottom edge of the second door in order to maintain the contact and seal between the flexible door and the wall above the bay when the second door is in the open position.

Stroup does not make up for the deficiency. Strongly discloses a single door, which has a seal at the bottom edge of the door for closing the door at the bottom of the bay. Further, Stroup discloses a seal on the wall above the bay for sealing the closed door above the bay. But Stroup does not disclose, suggest, or remotely imply that the seal at the bottom edge of the door can be used for supporting a seal at the top of the bay when the door is in the open position.

The arrangement of the presently amended claim 1 allows the formation of a seal between the flexible door and the top of the bay, which is secured by the bottom edge of the second door. The flexible door is supported by the second door in order to maintain the contact and seal. As such, a tight closing of the bay by the flexible door is thus achieved.

In the present invention as called for in amended claim 1, the seal between the flexible door and the top of the bay will be maintained due to the support of the seal by the

bottom edge of the second door even if e.g. strong wind makes the flexible door bend inwardly.

Both Ruffner and Stroup disclose a seal at the top of the bay. However there is no teaching at all for securing the seal as is achieved according to applicant's embodiments as called for in claim 1.

The flexible door in Ruffner consists of a screen for preventing the entrance of insects and foreign materials blowing in the breeze. There is no need for obtaining such a tight closing seal because in case for example of wind acting on the door, it can pass through the screen of Ruffner. There would be no reason to modify Ruffner to achieve what is claimed, even if there were a teaching to do so, which there is not.

Since Stroup discloses only a single door, there would also be no need for a closing seal at the top of the bay when the door is in the open position.

Consequently, even if it were obvious to combine the references (respectfully not accepted), combining both teachings of Ruffner and Stroup would not result in the embodiments as claimed.

The specific arrangement of amended claim 1 is not disclosed in any of the documents alone or in combination with each other. In particular, use of the bottom of the second door as support for sealing the flexible door at the top of

the bay has not been disclosed and can not be derived from a combination of the different cited documents.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 3, 4 and 6-13 depend from and incorporate the subject matter of claim 1. These claims are therefore patentable over Ruffner in view of Stroup **at least** for the reasons indicated above.

Further, claims 3, 4 and 6 add the feature that the flexible door (1) has a particular sealing element (26) for sealing the slit between the bottom edge of the second door and the wall when the second door is in the open position. This particular solution is not disclosed in any of the cited documents. Providing a sealing element as in claims 3, 4 and 6 results in a good seal when the flexible door is closed. Moreover, this solution allows the slit between the bottom edge of the second door and the wall when the second door is in the open position, to remain large enough for moving the flexible door up and down without too much friction. It is important for the flexible door to open and close without too much friction in order to e.g. avoid too much wear when opening and closing very fast.

In claim 3 the sealing element extends across substantially the entire width of the flexible door, between

this door and a part of the wall located above the bay, when the flexible door is in the closed position. As such the sealing element forms a seal between the wall and the flexible door when the flexible door is in the closed position.

In claim 4 the sealing element extends across substantially the entire width of the flexible door, between this door and the bottom edge of the second door, when the flexible door is in the closed position and the second door is in the open position. As such the flexible door is clamped between the wall and the bottom edge of the second door.

In claim 6 the sealing element is a thickened section of an elastic material, which is clamped between the wall and the bottom edge of the second door when the second door is in the open position and the flexible door is in its closed position.

As indicated above, claim 14 has been rewritten in independent form. Applicant respectfully submits that even if the proposed combination were obvious (respectfully denied), such combination would not reach claim 14.

None of the cited documents discloses guide tracks of the first, flexible door that constitute seals between the wall and the second door when this second door is in the closed position. As neither reference shows this feature,

there is no way that a combination of these references could provide such a feature, even if the combination were obvious.

Withdrawal of the rejection of claim 14 based on Ruffner in view of Stroop is in order and is respectfully requested.

Claim 15 also has been redrafted in independent form, as already indicated above, to recite that the bottom edge of the flexible door has an elastic bead extending across its entire width, clamped between the wall and the second door when the flexible door is open and the second door is closed.

None of the cited documents discloses a bottom of the first, flexible door that, when the flexible door is in the open position, constitutes a seal between the wall and the second door when this second door is in the closed position. In particular, due to this special feature the bottom edge of the flexible door has at least two functions i.e. sealing the bottom of the bay when the flexible door is in the closed position and sealing the top of the second door when this door is in the closed position.

Therefore and again, as neither reference discloses the feature in question, there is no way that any combination of Ruffner in view of Stroup could meet claim 15, even if the combination were obvious (which, again, applicant does not concede). Withdrawal of the rejection as it applies to claim

15 (and also to claims 16 and 17 which depend from and incorporate the subject matter of claim 15) is therefore in order and is respectfully requested.

Claims 10 and 24 have been rejected under Section 103 as obvious from Ruffner in view of Stroup, and further in view of Church. This rejection is again respectfully traversed for the reasons of record, respectfully repeated by reference.

To briefly repeat, claim 10 depends from and incorporates the subject matter of claim 1 which defines patentable subject matter over Ruffner in view of Stroup as pointed out above. Church does not make up for the deficiencies pointed out above with respect to claim 1, and has not been cited for that purpose. Therefore, even if it were obvious to further modify the already Stroup-modified Ruffner in view of Church, respectfully not conceded, the subject matter of claim 1 would not be reached, let alone the subject matter of claim 10.

Withdrawal is in order and is respectfully requested.

As regards claims 18-25, these have been deleted without prejudice to applicants' rights to pursue these claims in a continuing application, if applicant chooses to do so,

applicant in such a case relying on the rights provided by law, including those of Sections 120 and 119.

Claim 13 has been rejected as obvious under Section 103 from Ruffner in view of Stroup and further in view of Horner. This rejection is respectfully again traversed for the reasons of record, respectfully repeated by reference.

Briefly, however, claim 13 depends from and incorporates the subject matter of claim 1. Horner does not make up for the deficiencies pointed out above with respect to claim 1 regarding the rejection based on Ruffner in view of Stroup, and has not been cited for that purpose. Therefore, even if the further modification of Ruffner in view of Stroop were obvious, respectfully not conceded, the resultant reconstructed Ruffner would not reach even claim 1, let alone claim 13.

Withdrawal of the rejection is in order and is respectfully requested.

No objections to the claims have been made as a matter of form, and no rejections have been imposed under Section 112. Applicant accordingly understands that the form of applicant's claims is considered satisfactory and in full conformance of Section 112 by the PTO, and applicant is proceeding in reliance thereof.

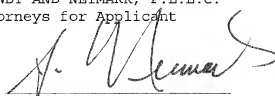
Two new references have been uncovered by virtue of an examination report in the corresponding Japanese patent application. Applicant will file an IDS shortly. One of these documents is JP-U-7-11692 which discloses a set of doors including a flexible door. However, the flexible door is not arranged between the wall and the second door. This document discloses that the second door has at its bottom a slider, which can support and guide the flexible door. It does not disclose a device for sealing the slit in which the flexible door moves when the second door is in the open position. In particular, it also does not disclose a seal between the flexible door and the wall above the bay.

Applicant believes that all issues raised in the Final Action are addressed above in a manner that should lead to patentability of the present application. Favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

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